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Date: March 12, 1999

Please deliver the following pages to:

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Company: USEPA

City: New York

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March 12, 1999

VIA TELECOPY AND OVERNIGHT MAIL

Muthu Sundram, Esq.

Assistant Regional Counsel

Office of Regional Counsel

US Environmental Protection Agency - Region II

290 Broadway, 17th Floor

New York, NY 10007

Re: LCP Chemicals Site

Dear Mr. Sundram:

Confirming our telephone conversation, our client ISP Environmental Services, Inc (ISP/ESI). intends to cooperate in performing the Remedial Investigation/Feasibility Study for the LCP Chemicals site. Under this circumstance, it would be inappropriate for the United States Environmental Protection Agency to spend public funds to do so. The only issue we need to resolve is the appropriate administrative mechanism for implementing ISP/ESI's undertaking of this work so as to preserve all of its rights against other potentially responsible parties. In the present situation, ISP/ESI/ESI needs to have further discussions with you about whether it is more appropriate to enter into federal or State agreed upon order with the understanding that non-cooperating parties will receive unilateral orders or directives, or whether USEPA or NJDEP should issue unilateral orders or directives to all parties including ISP/ESI, or whether the NJDEP should take over the role of lead agency. It is our belief that the most appropriate mechanism is a State Administrative Consent Order with Directives being issued to non-cooperating parties.

WOLFF & SAMSON

Muthu Sundram, Esq.

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In response to your March 10, 1999 letter in which you state: "EPA has already made a determination that the RI/FS would be a federal lead and not state lead," we are distressed that this decision was made without consultation with the NJDEP and without due consideration of the very valid reasons why the RI/FS and remediation should be state lead. Further, as the party which will be performing the RI/FS, we have never been provided with any explanation for why our request for a change of lead agency has been rejected. As we have made a commitment to perform the RI/FS, whether the USEPA has set aside federal funds to perform the RI/FS does not appear relevant to the choice of the appropriate lead agency. Therefore, ISP/ESI still wishes to have further discussions with you regarding this issue. Enclosed is a copy of our letter to the NJDEP concerning this matter.

While we continue to resolve these issues, to avoid any delay, we should also complete our discussions concerning the terms of the proposed order. Although you previously indicated that there should be no difficulty addressing in some manner ISP/ESI's comments to the form of order, we still need to receive USEPA's response to those comments. Please send us a response, which could be in the form of a revised order reflecting ISP/ESI's requested changes to the extent acceptable.

As you requested, we will attempt to submit our comments on the proposed scope of work on or before March 19, 1999. Additionally, ISP/ESI is not adverse to moving forward with the RI/FS process while the various administrative issues are resolved.

Please let us know whether Praxair, DuPont or and other party will participate in the RI/FS.

We look forward to receiving USEPA's response to our comments.

Very truly yours,



Dennis M. Toft

DMT:jmc
Enclosure

cc Richard Gimello

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March 12, 1999

VIA TELECOPY AND OVERNIGHT MAIL

Richard Gimello

Assistant Commissioner - Site Remediation

New Jersey Department of Environmental Protection

401 East State Street

Trenton, NJ 08625

Re: LCP Chemicals Site, Linden, New Jersey

Dear Assistant Commissioner Gimello:

Our firm is counsel to ISP Environmental Services, Inc. in connection with the above referenced site. ISP/ESI has been named by the United States Environmental Protection Agency as potentially responsible party in connection with the LCP Chemicals NPL site and is actively engaged in discussions with the USEPA concerning the undertaking of the Remedial Investigation/Feasibility Study for the site. The LCP Chemicals Site is 26 acres and was once part of the ISP/ESI Linden facility.

As I mentioned to you on the telephone, ISP/ESI believes that it would be more appropriate for NJDEP to be the lead agency for completion of the Remedial Investigation/Feasibility Study and ultimate remediation of the site. NJDEP has been actively involved in the past at this site. In the mid-1990's a portion of the site underwent an ECRA/ISRA cleanup under NJDEP's supervision. An important issue in this matter will involve whether that remediation resolved all liability issues at the site for the parties completing it. Similarly, in 1981, NJDEP entered into an Administrative Consent Order with LCP Chemical Company dealing with the same brine sludge lagoons that are the subject of the proposed RI/FS. Thus,

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Richard Gimello

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NJDEP has been actively involved in this site for some time and can bring this knowledge to bear in addressing the site.

As you know, ISP/ESI is also actively remediating its Linden facility which is adjacent to the LCP Site pursuant to an NJDEP Administrative Consent Order. The LCP property was once part of the ISP/ESI Linden facility. By having NJDEP in the lead on the LCP Site there will be a better opportunity to coordinate ISP/ESI's current remediation with the ultimate remediation of the LCP site. It may be possible to coordinate cleanup strategies and ARARS. Having a single lead agency for both properties will also make it easier to undertake a coordinated redevelopment of both sites. Additionally, the administrative work would be more efficiently handled by the NJDEP as it has familiarity with the common site history and problems associated with both ISP/ESI Linden and LCP Chemical. Furthermore, ISP/ESI is familiar with the NJDEP process. We also believe the property adjacent to the other side of LCP is owned by DuPont and is also currently undergoing an NJDEP supervised cleanup increasing the logic of an NJDEP lead..

At this time, ISP/ESI has made a commitment to the USEPA to perform the RI/FS. It is ISP/ESI's preference to perform this work pursuant to an NJDEP Administrative Consent Order. Even if ISP/ESI performs this task under a federal order, ISP/ESI will seek cooperation from the NJDEP to pursue treble damages under the New Jersey Spill Act pursuant to N.J.S.A. 58:10-23.11f(a)(3). As a New Jersey corporation performing activities on a New Jersey site, ISP/ESI asks for the benefit of New Jersey law to recover treble damages from recalcitrant potentially responsible parties ("PRPs"), which have not agreed to participate in the RI/FS.

ISP/ESI is asking the NJDEP to request the lead role at this site from the USEPA. This role makes sense from a consistency and efficiency standpoint. Given the NJDEP's history with the site itself and the surrounding areas, the NJDEP is in the best position to be the lead agency at the LCP Site.

We would be happy to meet with you to discuss these requests in greater detail.

Thank you for your consideration of this issue.

Very truly yours,



Dennis M. Toft

cc Muthu Sundram, Esq.